

**Dassey, Valentina**

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**From:** Dassey, Valentina  
**Sent:** Tuesday, January 19, 2016 8:16 AM  
**To:** 'Michael Moates'  
**Subject:** RE: Michael Moates

Good morning Michael,

Thank you for the email, I will also add this to the file.

Kind regards,

Val Dassey

Valentina E. Dassey  
Assistant General Counsel  
Office of the General Counsel

The information in this email is legally privileged and confidential information intended to be reviewed by only the individual(s) organization named.

**From:** Michael Moates [mailto:michaelsmoates@gmail.com]  
**Sent:** Sunday, January 17, 2016 11:45 PM  
**To:** Dassey, Valentina  
**Subject:** Michael Moates

Val,

I mean no disrespect but I want to be clear. The result I am looking for is to have the History Class from the first semester dropped and removed from my record additionally I want to take the class again in the second half of this semester at no charge. I feel that is fair since the accommodations should have been in place.

Respectfully,

Michael Moates

# **Exhibit I**

**Dassey, Valentina**

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**From:** Johnson, Ann (VPSS TC)  
**Sent:** Wednesday, January 06, 2016 9:54 AM  
**To:** Michael Moates gmail  
**Subject:** Requested Emails

Good morning Mr Moates

I have not received the copies of email documentation you had agreed to provide to me during our phone conversation yesterday.

Please forward those to me at your earliest convenience today.

*Ann Johnson*  
*Vice President*  
*Student Success*  
*Lone Star College-Tomball*  
*281-351-3313*  
[Ann.Johnson@LoneStar.edu](mailto:Ann.Johnson@LoneStar.edu)

**Dassey, Valentina**

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**From:** Johnson, Ann (VPSS TC)  
**Sent:** Tuesday, January 12, 2016 7:52 AM  
**To:** Michael Moates gmail  
**Cc:** Dassey, Valentina  
**Subject:** Needed Documentation

Good morning Mr Moates

I have not received the information you indicated you would send after our phone conversation on January 5, 2016. Any copies of emails indicating your request for services would be greatly appreciated.

*Ann Johnson*  
*Vice President*  
*Student Success*  
*Lone Star College-Tomball*  
*281-351-3313*  
[Ann.Johnson@LoneStar.edu](mailto:Ann.Johnson@LoneStar.edu)

**Dassey, Valentina**

---

**From:** Michael Moates gmail  
**Sent:** Saturday, January 16, 2016 4:59 AM  
**To:** Johnson, Ann (VPSS TC)  
**Subject:** Re: Needed Documentation

Ms. Johnson,

I do apologize thinks he can come hectic for me last week trying to get my accommodations put into place and also working with the general counsel for LoneStar College system. Here are a copy of all of the emails I have sent.

----- Forwarded message -----  
From: OnlineAdvisor@LoneStar.edu  
Date: Mon, Oct 19, 2015 at 4:31 PM  
Subject: Michael Moates Disability  
To: Michael Moates <michaelsmoates@gmail.com>

Hello,

My name is Michael S. Moates. I want to put my 504 plan into place. Please email me back or call me at 817-880-4326. I need to get these put into place ASAP. I have attached a copy of my documentation from the Child Study Center and Dr. Julian Haber.

Respectfully,

Michael Moates

----- Forwarded message -----  
From: OnlineAdvisor@LoneStar.edu  
Date: Mon, Nov 9, 2015 at 8:44 PM  
Subject: Michael Moates 504  
To: Michael Moates <michaelsmoates@gmail.com>

Hello,

I have been trying to get a hold of somebody for some time now trying to get my accommodations put into place. I really need somebody to help me I have attached the documentation and would really much appreciate hearing from somebody ASAP. Not having these accommodations in place is directly impacting my great because I need these for my disability.

----- Forwarded message -----  
From: OnlineAdvisor@LoneStar.edu  
Date: Tues, Jan 16, 2015 at 2:07 PM  
Subject: Michael Moates Accommodations  
To: Michael Moates <michaelsmoates@gmail.com>

Hello,

My name is Michael Moates. I have some accommodations I need to discuss with someone. Please email me back or call me at 817-880-4326. I need to get these put into place ASAP.

Respectfully,

Michael Moates

----- Forwarded message -----

From: OnlineAdvisor@LoneStar.edu

Date: Sat, Nov 28, 2015 at 8:37 AM

Subject: Michael Moates S04 Plan

To: Michael Moates <michaelsmoates@gmail.com>

Hello,

I am really starting to get irritated at been trying to contact you guys recording my accommodations for some time now I nobody is going communication back with me. I am really frustrated that this is not been put into place within reasonable matter time and I am about ready to file something with the Department of Education of somebody does not get back in communication with me. I have again attached the documentation.

Respectfully,

Michael Moates

(817)-880-4326

On Tue, Jan 12, 2016 at 7:52 AM, Johnson, Ann (VPSS TC) <[Ann.Johnson@lonestar.edu](mailto:Ann.Johnson@lonestar.edu)> wrote:

Good morning Mr Moates

I have not received the information you indicated you would send after our phone conversation on January 5, 2016. Any copies of emails indicating your request for services would be greatly appreciated.

*Ann Johnson*

*Vice President*

*Student Success*

*Lone Star College-Tomball*

281-351-3313

[Ann.Johnson@LoneStar.edu](mailto:Ann.Johnson@LoneStar.edu)

# **Exhibit J**

**Britt, Sarah D**

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**From:** Riethmayer, Beverly J  
**Sent:** Thursday, December 10, 2015 9:12 AM  
**To:** Wright, Quentin A  
**Subject:** FW: Michael Moates Tech issue  
  
**Importance:** High

Jill Riethmayer, Dean  
Arts, Business, Behavioral Sciences & Social Sciences

Lone Star College-Tomball  
281-351-3342

**From:** Benifield, Annie J  
**Sent:** Monday, November 16, 2015 9:52 AM  
**To:** 'Michael Moates'  
**Cc:** Riethmayer, Beverly J  
**Subject:** RE: Michael Moates Tech issue  
**Importance:** High

Michael, in an effort to resolve the issue (Videos and Simulations) you were having during Phase Two, I strongly recommend you call the DL Helpdesk so they can walk you through a system check on your computer. Since no other student encountered the problem you had, it seems endemic to your computer. From my conversation with VTAC it sounds like a browser issue. The use of an alternate browser may be feasible. Please consider using Chrome and/or Mozilla Firefox. I will review the average of scores for all assignments in Phase Two and take corrective action when warranted. Actually the questions were not specific to the simulation/video but rather to the chapter readings.

I suggest you follow up immediately with the DL Helpdesk to preclude future problems. Please let me know when you have spoken with the Helpdesk and performed the system check. Annie

*Annie Johnson Benifield, Ph.D.*  
Chair, Social Sciences  
Professor of Political Science  
LSC-Tomball, S257D  
281-357-3761  
[annie.j.benifield@lonestar.edu](mailto:annie.j.benifield@lonestar.edu)





From: Michael Moates (<mailto:michaelsmoates@gmail.com>)  
Sent: Saturday, November 14, 2015 9:11 PM  
To: Benifield, Annie J  
Subject: Re: Michael Moates Tech issue

I have been trying to work through it using the book and listening to videos even as they skip. But I cant continue to allow my grade to suffer as a result. I contacted tech support a while back and this is the second ticket. My understanding is the Service desk is open 24/7.

On Sat, Nov 14, 2015 at 8:54 PM, Benifield, Annie J <[Annie.J.Benifield@lonestar.edu](mailto:Annie.J.Benifield@lonestar.edu)> wrote:

Michael, I am not sure exactly why you are unable to access the chapter assignments in GOVT 2305-3020 Federal Government class. Fortunately, no other student in this class is encountering the problem you are. Since you contacted me today after VTAC had closed, I will talk to them tomorrow. VTAC is opened 1-6 on Sundays. I am still trying to determine exactly why you only contacted me yesterday about lack of access to chapter assignments, especially since you stated this problem existed since the beginning of this class (10/19/15).

Annie

*Annie Johnson Benifield, Ph.D.*

Chair, Social Sciences

Professor of Political Science

LSC-Tomball, S257D

281-357-3761

[annie.j.benifield@lonestar.edu](mailto:annie.j.benifield@lonestar.edu)



**From:** Michael Moates [mailto:[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)]  
**Sent:** Saturday, November 14, 2015 6:54 PM

**To:** Benifield, Annie J  
**Subject:** Re: Michael Moates Tech issue

INC0391552. Also I know the material look at my quiz and exam grades and other assignments. Im doing good other wise. I am grateful for your help, thank you.

Michael

On Nov 14, 2015, at 6:52 PM, Benifield, Annie J <[Annie.J.Benifield@lonestar.edu](mailto:Annie.J.Benifield@lonestar.edu)> wrote:

What's the ticket number? Annie

*Annie Johnson Benifield, Ph.D*

**Chair, Social Sciences**

**Professor of Political Science**

**LSC-Tomball, S257D**

**281-357-3761**

**[annie.j.benifield@lonestar.edu](mailto:annie.j.benifield@lonestar.edu)**

<image003.jpg>

**From:** Michael Moates [mailto:[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)]  
**Sent:** Saturday, November 14, 2015 5:42 PM

**To:** Benifield, Annie J  
**Subject:** Re: Michael Moates Tech issue  
**Importance:** High

According to the tech support rep he did not even see the video. I have tried multiple computers and yes I have been having this problem since the start of class if you look at my grades you will see. They suffer in the video and simulation from the beginning. If you look today I got 3 100's but they were reading assignments or they had the statistics sheet which I can pull up. Its just those assignments that are not working.

Thanks,

Michael

On Nov 14, 2015, at 5:35 PM, Benifield, Annie J  
<[Annie.J.Benifield@lonestar.edu](mailto:Annie.J.Benifield@lonestar.edu)> wrote:

Michael, is it problem endemic to your computer? Have you tried another computer? Did you have similar problems during Phase One? Did Tech go in and try to access the assignments? No one else in this class is having a problem accessing the assignments so I am trying to figure out if your problem is simply unique to you. All of the chapter assignments do not entail videos or simulations so please complete whatever you can and we will go from there. Thanks for keeping me abreast of your problem.

*Annie Johnson Benifield, Ph.D*

Chair, Social Sciences

Professor of Political Science

LSC-Tomball, S257D

281-357-3761

[annie.j.benifield@lonestar.edu](mailto:annie.j.benifield@lonestar.edu)

<image008.jpg>

**From:** Michael Moates [<mailto:michaelsmoates@gmail.com>]  
**Sent:** Saturday, November 14, 2015 5:27 PM  
**To:** Benifield, Annie J  
**Subject:** Fwd: Michael Moates Tech issue  
**Importance:** High

The issue is I have not gotten many bad grades as a result of having issues with the media and simulations. It does not work in Firefox or Chrome. They have escalated the ticket. They have no solution. But I can't answer the questions without the information and its causing me to have bad grades. I am doing the assignments and my quiz grades are good just the video's and simulations that are on the Norton website are not working correctly. I can submit the info but I am not getting the lecture/video/simulations.

Respectfully,

Michael Moates

Begin forwarded message:

**From:** "Benifield, Annie J"  
<[Annie.J.Benifield@lonestar.edu](mailto:Annie.J.Benifield@lonestar.edu)>  
**Date:** November 14, 2015 at 5:24:08 PM CST  
**To:** 'Michael Moates' <[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)>  
**Subject:** RE: Michael Moates Tech issue

Michael, I recommend you copy and paste the video link into another browser (Mozilla or Internet Explorer) to see if the video works for you. Sometimes that will solve the problem. What did Tech Support say is the nature of problem you are encountering? I suggest you do

all the other assignments. If you can copy the information into a word document and answer the questions, you can send that information via e-mail to me within D2L. Thanks. Annie

*Annie Johnson Benifield, Ph.D*

Chair, Social Sciences

Professor of Political Science

LSC-Tomball, S257D

281-357-3761

[annie.j.benifield@lonestar.edu](mailto:annie.j.benifield@lonestar.edu)

<image009.jpg>

**From:** Michael Moates [<mailto:michaelsmoates@gmail.com>]  
**Sent:** Saturday, November 14, 2015 5:15 PM  
**To:** Benifield, Annie J  
**Cc:** Jacobs, Kelly O  
**Subject:** Michael Moates Tech issue

Hello,

I have attached some pictures I would like you to look at. As you can see the video and simulation assignments are not working for me very well. I have called tech support and even had my ticket escalated but as of now they have no suggestions for me. If you look at my grades for videos and simulations you will see they are bad. But if you look at other grades, quizzes and exams you will see they are good. I want to know what you suggest in order to get my grade up to a fair grade as a result of this tech issue I feel like the low grades are not fair since I can not watch the videos

correctly. Please advice. I have a 3.20 GPA and have never failed a class before and this is very frustrating to me.

Respectfully,

Michael Moates

<image010.png><image011.png><image012.png><image013.png><image014.png><image015.png>

**Britt, Sarah D**

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**From:** Riethmayer, Beverly J  
**Sent:** Thursday, December 10, 2015 9:23 AM  
**To:** Wright, Quentin A  
**Subject:** FW: Michael Moates  
**Attachments:** image002.jpg; image002.jpg

Quentin,

I think you already have the rest of this email thread, but not the part I highlighted in yellow which I think has critical information from Annie.

Jill

Jill Riethmayer, Dean  
Arts, Business, Behavioral Sciences & Social Sciences

Lone Star College-Tomball  
281-351-3342

**From:** Benifield, Annie J  
**Sent:** Tuesday, November 24, 2015 8:39 PM  
**To:** Michael Moates  
**Cc:** Riethmayer, Beverly J  
**Subject:** Re: Michael Moates

Michael, I will review the chapter assignments due for Phase II forward that included simulations and/or videos to see if there is a need to take any corrective action on my part.

Many of the questions asked dealt with the chapter readings as opposed to more specific information required from the videos and/or simulations.

Annie

Sent from my iPad

On Nov 24, 2015, at 5:08 PM, Michael Moates <[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)> wrote:

Problem has been fixed!!! YAY! Dr. Benifield am I able to fix those grades or what happens now?

Respectfully,

Michael Moates

On Tue, Nov 24, 2015 at 9:30 AM, Benifield, Annie J <[Annie.J.Benifield@lonestar.edu](mailto:Annie.J.Benifield@lonestar.edu)> wrote:

Michael, you need to call Joseph Lambert as I requested below. I included the telephone number 281-290-3706 where Joseph Lambert can be reached. He was in the online center on yesterday when I provided that information. This is definitely not an external issue since no other student is experiencing any difficulties. Although I do not have technical expertise this problem is limited to only you and the computer. Joseph will be able take remote control of your computer and figure out what is happening. It is imperative that you follow up with him as soon as possible. . Since no one has been able to replicate the problem you state you are having, this is a problem endemic only you. Please let me know what happens. Annie

*Annie Johnson Benifield, Ph.D*

Chair, Social Sciences

Professor of Political Science

LSC-Tomball, S257D

281-357-3761

[annie.j.benifield@lonestar.edu](mailto:annie.j.benifield@lonestar.edu)

<image001.jpg>

From: Michael Moates [mailto:[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)]

Sent: Monday, November 23, 2015 7:37 PM

To: Benifield, Annie J

Cc: Nguyen, Vincent S

Subject: Re: Michael Moates

I called back. He was not in but someone else helped me and again I was told its an external issue. Please advise.

On Mon, Nov 23, 2015 at 11:33 AM, Benifield, Annie J <[Annie.J.Benifield@lonestar.edu](mailto:Annie.J.Benifield@lonestar.edu)> wrote:

Michael, thanks for the incident number. I spoke to Joseph at the DL Helpdesk. Did you ever try to call him back? He stated he left messages and sent you e-mail. Here is Joseph's number to call: 281-290-3706. He would like to remotely access your computer to discern the nature of the specific problem



you are having concerning accessing chapter assignments. Please give him a call and set up a time so this issue can be resolved. Thanks. Annie

*Annie Johnson Benifield, Ph.D*

Chair, Social Sciences

Professor of Political Science

LSC-Tomball, S257D

281-357-3761

[annie.j.benifield@lonestar.edu](mailto:annie.j.benifield@lonestar.edu)



From: Michael Moates [mailto:[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)]  
Sent: Monday, November 23, 2015 10:56 AM  
To: Benifield, Annie J  
Cc: Nguyen, Vincent S  
Subject: Re: Michael Moates

INC0391552 is the incident number. I spoke to Joe Lambright. They can't replicate the issues because it's an issue on the video and simulations side which they are saying you attached and they don't support. I spoke to him last week and they can email me but have not as of yet. I understand the importance but they have told me they don't support the external video and simulations and this is something you would have to fix. D2L does not work with the Norton company that does the simulations and videos.

On Mon, Nov 23, 2015 at 10:34 AM, Benifield, Annie J <[Annie.J.Benifield@lonestar.edu](mailto:Annie.J.Benifield@lonestar.edu)> wrote:

Michael, who did you speak with concerning this issue? I need a ticket number. I spoke to the DL Helpdesk last Monday and they have not been able to replicate the issues you state you are having.

They also stated there has been no outages and/or problems associated with D2L. The Helpdesk also informed me they have been unable to follow up due to the lack of response to e-mails and/or calls. You need to follow up with the DL Helpdesk if you expect to get this issue resolved. As previously stated no other student in any of my three online classes are encountering any problems.

I sincerely need for this issue to be resolved because the semester is rapidly approaching an end. Please provide the requested information so I can follow up. Thanks. Annie

*Annie Johnson Benifield, Ph.D.*

Chair, Social Sciences

Professor of Political Science

LSC-Tomball, S257D

281-357-3761

[annie.j.benifield@lonestar.edu](mailto:annie.j.benifield@lonestar.edu)



From: Michael Moates [mailto:[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)]

Sent: Friday, November 20, 2015 9:11 PM

To: Benifield, Annie J

Cc: Nguyen, Vincent S

Subject: Michael Moates

Ma'am,

I wanted to follow up with you on the tech issue. D2L is still telling me its an internal issue. Please advice on what you want me to do so my grade does not suffer.

C      **Respectfully,**

**Michael Moates**

**Britt, Sarah D**

---

**From:** Riethmayer, Beverly J  
**Sent:** Thursday, December 10, 2015 9:07 AM  
**To:** Wright, Quentin A  
**Subject:** FW: Michael Moates

Jill Riethmayer, Dean  
Arts, Business, Behavioral Sciences & Social Sciences

Lone Star College-Tomball  
281-351-3342

**From:** Michael Moates [mailto:michaelsmoates@gmail.com]  
**Sent:** Saturday, November 28, 2015 7:27 PM  
**To:** Riethmayer, Beverly J  
**Subject:** Re: Michael Moates

Ma'am,

This was resolved by Joesph. From my understanding, there was some tweaking done on his end to my account. We also did some tweaking on my PC. He set up a dummy account on his side and did some tweaks and then it started working. It was an internal issue that was on my account but not my computer. Once this was fixed I was able to complete the assignments. You can see I did much better having access to the videos and simulations.

Respectfully,

Michael Moates

On Sat, Nov 28, 2015 at 5:52 PM, Riethmayer, Beverly J <[Jill.Riethmayer@lonestar.edu](mailto:Jill.Riethmayer@lonestar.edu)> wrote:  
Michael,

Please share with me specifically how this was resolved.

In addition, please clarify if the technician who helped resolve it was Joseph Lambert?

Jill Riethmayer, Dean

Sent from my iPad

On Nov 24, 2015, at 5:08 PM, "Michael Moates" <[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)> wrote:

Problem has been fixed!!! YAY! Dr. Benifield am I able to fix those grades or what happens now?

Respectfully,

Michael Moates

On Tue, Nov 24, 2015 at 9:30 AM, Benifield, Annie J <[Annie.J.Benifield@lonestar.edu](mailto:Annie.J.Benifield@lonestar.edu)> wrote:

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*Annie Johnson Benifield, Ph.D.*

Chair, Social Sciences

Professor of Political Science

LSC-Tomball, S257D

281-357-3761

[annie.j.benifield@lonestar.edu](mailto:annie.j.benifield@lonestar.edu)

<image001.jpg>

From: Michael Moates [mailto:[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)]

Sent: Monday, November 23, 2015 7:37 PM

To: Benifield, Annie J

Cc: Nguyen, Vincent S

Subject: Re: Michael Moates

I called back. He was not in but someone else helped me and again I was told its an external issue. Please advise.

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*Annie Johnson Benifield, Ph.D*

Chair, Social Sciences

Professor of Political Science

LSC-Tomball, S257D

281-357-3761

[annie.j.benifield@lonestar.edu](mailto:annie.j.benifield@lonestar.edu)

<image002.jpg>

From: Michael Moates [mailto:[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)]

Sent: Monday, November 23, 2015 10:56 AM

To: Benifield, Annie J

Cc: Nguyen, Vincent S

Subject: Re: Michael Moates

INC0391552 is the incident number. I spoke to Joe Lambright. They can't replicate the issues because it's an issue on the video and simulations side which they are saying you attached and they don't support. I spoke to him last week and they can email me but have not as of yet. I understand the importance but they have told me they don't support the external video and simulations and this is something you would have to fix. D2L does not work with the Norton company that does the simulations and videos.

On Mon, Nov 23, 2015 at 10:34 AM, Benifield, Annie J <[Annie.J.Benifield@lonestar.edu](mailto:Annie.J.Benifield@lonestar.edu)> wrote:

Michael, who did you speak with concerning this issue? I need a ticket number. I spoke to the DL Helpdesk last Monday and they have not been able to replicate the issues you state you are having. They also stated there has been no outages and/or problems associated with D2L. The Helpdesk also informed me they have been unable to follow up due to the lack of response to e-mails and/or calls. You need to follow up with the DL Helpdesk if you expect to get this issue resolved. As previously stated no other student in any of my three online classes are encountering any problems.

I sincerely need for this issue to be resolved because the semester is rapidly approaching an end. Please provide the requested information so I can follow up. Thanks. Annie

*Annie Johnson Benifield, Ph.D*

Chair, Social Sciences

Professor of Political Science

LSC-Tomball, S257D

281-357-3761

[annie.j.benifield@lonestar.edu](mailto:annie.j.benifield@lonestar.edu)

<image002.jpg>

**From:** Michael Moates [<mailto:michaelsmoates@gmail.com>]  
**Sent:** Friday, November 20, 2015 9:11 PM  
**To:** Benifield, Annie J  
**Cc:** Nguyen, Vincent S  
**Subject:** Michael Moates

Ma'am,

**Britt, Sarah D**

---

**From:** Riethmayer, Beverly J  
**Sent:** Thursday, December 10, 2015 9:06 AM  
**To:** Wright, Quentin A  
**Subject:** FW: Michael Moates

Jill Riethmayer, Dean  
Arts, Business, Behavioral Sciences & Social Sciences

Lone Star College-Tomball  
281-351-3342

**From:** Michael Moates [mailto:michaelsmoates@gmail.com]  
**Sent:** Sunday, November 29, 2015 4:53 PM  
**To:** Benifield, Annie J; Riethmayer, Beverly J  
**Subject:** Re: Michael Moates

As I stated before I attempted to get back in contact with Joseph but he was not there or with another student. I did attempt to make contact. What makes it relevant was the assignments used the videos/simulations that's why they are there and since I had no access you can see that my grade suffered and as soon as it was fix great grades.

On Sun, Nov 29, 2015 at 11:32 AM, Benifield, Annie J <[Annie.J.Benifield@lonestar.edu](mailto:Annie.J.Benifield@lonestar.edu)> wrote:

Michael, I am well aware of the grades listed in the gradebook. As I previously stated I will look at the assignments that you had issues with and take the necessary corrective actions if warranted. As I stated before in an e-mail many of these chapter assignment responses were totally reliant on information from the actual readings in the textbook, not the videos or simulation exercises. I will look at each assignment and make a determination whether or not the questions asked were totally reliant on the videos and/or simulations.

The technical issues you encountered could have been resolved much earlier if you had appropriately followed up with Joseph Lambert as he requested. Since this is an eight week class, time is of the essence. Annie

Sent from my iPad

> On Nov 28, 2015, at 2:16 AM, Michael Moates <[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)> wrote:

>

> Dr. Benifield,

>

> I am calculating my grades since we are getting close to the end of the semester. In your class I have:

>

> Quiz 102/110

> Exam 115.5/150



> Disc 8.63/15

> Assign 160.94/257

>

> Which Averages to a 73. In all of my classes, I have at least a high B. If you look at the assignments that is what is bringing my grade down. It was as a result of the technical issue. If you look at my grades from today in those assignments after I can see the material correctly you will see that my grades have gone up. They are substantially higher. I want to know how we are going to fix my grade. I have never had an issue like this before and again would greatly appreciate your help. I do not believe that its fair to have my grade punished for something that was beyond my control. Please let me know what we can do.

>

> Respectfully,

>

> Micahel Moates

>

>

> Attached: Grades from today 5 perfect scores.

> <Screen Shot 2015-11-28 at 2.13.28 AM.png>

**Britt, Sarah D**

---

**From:** Benifield, Annie J  
**Sent:** Thursday, December 10, 2015 9:07 PM  
**To:** Wright, Quentin A  
**Cc:** Riethmayer, Beverly J  
**Subject:** Micheal Moates

Dr. Wright, below are the VTAC Chat conversations about Michael Moates. This does not include the telephone conversations I had with the DL Helpdesk or with VTAC officials regarding Michael Moates technical issues.

Out of the three online classes I taught this fall semester, no other student encountered any technical problems with assignments in this class.

On November 24, 2015, Joseph Lambert VTAC Online called and left a voice mail message informing me that Michael Moates finally contacted him and he was able to take control of his computer and resolve the technical problem.

I carefully reviewed all of the assigned work in question associated with Phase II and informed Michael Moates which work would be reevaluated and the outcome of that evaluation.

Jill previously supplied you with that e--mail.

Dr. Wright, the student contacted me today via e-mail requesting his grade. Since I have not completed all grading associated with this class, I am reluctant to respond especially since there is an academic grade appeal in progress.

Please advise on the appropriate action to take. All student grades are in the D2L grade book and readily accessible to students. I plan to complete the grading process by this weekend.

Michael

1 of 9

VTAC Chat Transcript Request

LSC-Online VTAC <NoReply@lonestar.edu>

Mon 11/16/2015 9:41 AM

Inbox

To:

Benifield, Annie J;

The following is the transcript you requested after speaking with a LSC-Online Virtual Teaching Assistance Center representative.

[9:11 AM] Annie Benifield has joined the room

[9:11 AM] Tracy Bear has joined the room

[9:11 AM] Tracy Bear:

Good morning, Professor!

[9:11 AM] Tracy Bear:

How can I assist you?

[9:11 AM] Annie Benifield: Student in my online class GOVT 2305-3020 Michael Moates was having a problem with simulation exercise and video exercise.

[9:12 AM] Tracy Bear: What type of issue?

[9:13 AM] Annie Benifield: Said the video would not load. Would continue to buffer. He stated he called the Helpdesk and was assigned Ticket # INC 0391552

[9:13 AM] Tracy Bear: Let me take a look.

[9:14 AM] Tracy Bear: Okay. The ticket is here and the agent that contacted the student from our department was not able to replicate the issue. However, the service desk agent was.

[9:15 AM] Annie Benifield: No other student had any problems. I spoke to Tia at the Helpdesk on Saturday night, she was unable to fully grasp the nature of the problem Michael was having so she escalated it up.

[9:15 AM] Tracy Bear: Right. And we were not able to replicate it either.

[9:15 AM] Annie Benifield: So what was the problem? Do I need to grant an extension. So

[9:16 AM] Tracy Bear: I am wondering if it wasn't something on his computer or with his browser. Has he been able to complete similar assignments in the past?

[9:17 AM] Annie Benifield: He said he had experienced a problem before but I was not made aware of it. I advised him to copy and paste the link into another browser. He stated he had already tried all of these things.

[9:18 AM] Tracy Bear: Okay. So one of the videos and simulation exercises he reported problems with was Chapter 6, correct?

[9:19 AM] Annie Benifield: He did not give me specifics but I assume so. There were only two video exercises but there were 3 simulations.

[9:20 AM] Annie Benifield: Tracy, I am trying to figure out how to fix this situation so it will not negatively affect the student.

[9:21 AM] Tracy Bear: I am using Firefox ESR and it works fine.

[9:21 AM] Tracy Bear: That is what he reported to use.

[9:21 AM] Tracy Bear: If you would like to extend access to him, we can do that.

[9:22 AM] Annie Benifield: He seemed totally unreceptive to following any of my recommendations. It was almost as if he simply wanted to report it as a claim.

[9:23 AM] Tracy Bear: I am not sure. I can only tell you that we cannot duplicate it. The particular content that I have tried to access has been working correctly and that is what the original VTAC agent that looked at the course found as well.

[9:24 AM] Tracy Bear: The student may have had issues with his computer, but it is hard to say.

[9:25 AM] Tracy Bear: Did he do a system check?

[9:25 AM] Tracy Bear: From the Resources tab?

[9:25 AM] Annie Benifield:

[9:26 AM] Annie Benifield:

[9:26 AM] Tracy Bear:

[9:27 AM] Annie Benifield:

[9:28 AM] Tracy Bear:

[9:28 AM] Tracy Bear:

[9:29 AM] Tracy Bear:

[9:29 AM] Tracy Bear:

[9:29 AM] Annie Benifield:

[9:30 AM] Tracy Bear:

[9:30 AM] Tracy Bear:

[9:30 AM] Tracy Bear:

[9:30 AM] Tracy Bear:

[9:30 AM] Tracy Bear:

[9:31 AM] Tracy Bear has joined the room

[9:31 AM] Annie Benifield:

[9:32 AM] Tracy Bear:

[9:32 AM] Tracy Bear:

[9:32 AM] Tracy Bear:

[9:33 AM] Annie Benifield:

[9:34 AM] Tracy Bear:

[9:34 AM] Tracy Bear:

[9:35 AM] Tracy Bear:

[9:36 AM] Annie Benifield:

[9:37 AM] Tracy Bear:

I asked if he tried to complete the work on another computer and he said yes. I did really get a real good sense of this.

I advised all students at the beginning of the class to consult with the DL Helpdesk to insure they have the requisite software to preclude any problems.

That is good. How would you like to handle this situation for this student?

Simply give an extension for simulations and videos until tomorrow. I will tell him via e-mail

Since you have dates set on the modules and not the videos and extensions, we cannot change the dates for just this student.

The student can go to Assessments > Quizzes and access them from there.

No dates are set on any of them from that page.

But, since there is only 1 attempt allowed,

Simply open it up to everyone. Thanks so much. I will send him an e-mail

That still does not change the fact that there is only 1 attempt allowed.

We will either need to change that to 2 and ALL students would then have 2 attempts.

Or,

we can delete his existing attempts altogether.

OKay, Just for Michael Moates

We cannot set multiple attempts for just one student. That is a universal setting.

The only way to give access just to Michael Moates would be to leave it as 1 attempt and delete his previous attempts.

But then we would lose that information.

I am unsure what to do? What's the best solution?

That is your decision. We could change the attempts to 2 and make the grade calculation take the first attempt only. Then you could manually override that for Mr. Moates.

Or if you feel it is not important to keep his original submissions, we can delete them.

And just let him try again.

Tracy, is there someone I can give him a number to call so this can be resolved before the next assignments are due. I will simply give him an average of previous scores to fix it.

He can call Service Desk like you have told them to do before, and make sure he does a system check and resolves any issues that display there.

[9:38 AM] Tracy Bear: I am not clear on what you want to do about the existing grades. Did you want me to increase the number of attempts to 2?  
[9:38 AM] Annie Benifield: Okay thanks so very much. As always you are great. :)  
[9:38 AM] Tracy Bear: I am happy to help!  
[9:38 AM] Tracy Bear: Did you need me to change anything on any of your simulations or videos, or are you taking care of that?  
[9:40 AM] Annie Benifield: I am not going to change them. I will have Michael to call the Helpdesk. I will average out his scores for Phase Two assignments and move ahead. I think that is the simplest solution. Thanks so much.  
[9:40 AM] Tracy Bear: Okay great! Let me know if there is anything I can assist you with in the future!  
[9:40 AM] Tracy Bear: Have a wonderful day!  
[9:40 AM] Annie Benifield: u 2  
[9:40 AM] Tracy Bear: Thanks!  
[9:41 AM] Annie Benifield has left the room

\*\*\*\*\*

Michael

1 of 2

Ticket TKT0047608 -- opened on your behalf

Lone Star College Service Center <lonestar@service-now.com>

Mon 11/16/2015 9:50 AM

Inbox

To:

Benifield, Annie J;

LSC-Online ITSM Group;

Short Description: Student reporting issues with videos and simulations

Requested by: Annie Benifield

Requested for: Annie Benifield

Best contact number: (281) 357-3761

Campus/Site: TOMBALL - Building: South Hall (S) - Room: 257D

Description: Student in my online class GOVT 2305-3020 Michael Moates was having a problem with simulation exercise and video exercise.

Comments:

**11-16-2015 9:49 AM CST - Tracy Bear**<sup>Customer comments</sup>

Dr. Johnson Benifield,

Thank you for allowing me the opportunity to assist you today. If there is anything further I can do to assist you, please let me know. For immediate technical assistance with D2L, you can also use the VTAC Live Chat tool located in the Support widget on any D2L home page, or you can click the link in this e-mail that says "Click here if your issue was not properly resolved" to reopen the ticket.

Regards,

-Tracy

Tracy Bear

Online Technologist II

Lone Star College-Online

E-271A

281-357-3698 (office)

Ref:MSG5340820

moates

1 of 4

VTAC Chat Transcript Request

LSC-Online VTAC <NoReply@lonestar.edu>

Sun 11/22/2015 4:34 PM

Inbox

To:

Benifield, Annie J;

The following is the transcript you requested after speaking with a LSC-Online Virtual Teaching Assistance Center representative.

[4:23 PM] Annie Benifield has joined the room

[4:23 PM] Alan has joined the room

[4:23 PM] Alan:

[4:24 PM] Alan:

[4:25 PM] Alan:

[4:25 PM] Annie Benifield:

[4:26 PM] Alan:

hello professor

Mr moates was contetd by our technicians every day this past week but he never returned our calls so his original ticket has been closed. Since he never responded to our requests we were unable to troubleshoot his issue effectively

Joseph Lambert was the technician attempting to assist him but he is off duty today. It would probably be best to try to reach Joseph tomorrow morning via VTAC and he will be happy to call you and provide the details Hi Alan, Michael Moates in GOVT 2305-3020 Federal Government class sent me an e-mail stating he sis having problems accessing assignments in my class. He stated the Helpdesk stated it was an internal issue. I am at wit's end since no other student is having a problem. we tested his account and found no internal issues,

[4:28 PM] Annie Benifield:

[4:28 PM] Alan:

[4:29 PM] Annie Benifield:

[4:30 PM] Annie Benifield:

[4:30 PM] Alan:

[4:31 PM] Alan:

[4:31 PM] Annie Benifield:

[4:32 PM] Alan:

[4:34 PM] Annie Benifield:

[4:34 PM] Alan:

[4:34 PM] Annie Benifield has left the room

Michael

1 of 29

VTAC Chat Transcript Request

LSC-Online VTAC <NoReply@lonestar.edu>

Mon 11/23/2015 10:44 AM

Inbox

To:

Benifield, Annie J;

The following is the transcript you requested after speaking with a LSC-Online Virtual Teaching Assistance Center representative.

So why is he saying he was told it is an internal issue. No other student is having any problems. I will call and see if I can contact Joseph Lambert tomorrow. we found no issues at all in the course but wanted to chat with him about where he is taking the course and his connection type, that sort of thing. He was on the phone with Joe last Monday but the call got disconnected. Joe tried to contact him multiple times via telephone and comments on the ticket which would have been emailed to him but the student never responded

Alan, periodically he contacts me via e-mail or by phone and says he is having a problem and contacted the Helpdesk and does not want his grade adversely affected.

I am unsure what to do on my end since no other student is having a problem.

No one has been able to replicate the problems he was indicating, usually that means the issue is localized to the user or his connection. The call center does not always have the ability to diagnose D2L issues so they referred the ticket to us but our testing did not replicate any problem. Mr. Moates needs to contact Joseph so they can continue the troubleshooting

I am searching for the closed ticket at this time so I can provide you with some more detail

Okay. Thanks. I will follow up with Joseph tomorrow. I hate to say this but I think he is counting on some kind of disconnect.

he would not be the first, but D2L suffered no outages or other systemwide issues during that time frame. But since the student never returned our calls or replied to our emails we were unable to assist him

I will definitely chat with Joseph tomorrow to get some additional clarity. This is very confusing to me. Thank you.

you're welcome professor, thanks for using VTAC

[10:04 AM] Annie Benifield has joined the room

[10:04 AM] Michael has joined the room

[10:04 AM] Michael:

[10:05 AM] Michael:

[10:05 AM] Annie Benifield:

[10:05 AM] Michael:

[10:06 AM] Annie Benifield:

[10:07 AM] Michael:

[10:07 AM] Annie Benifield:

[10:08 AM] Michael:

[10:08 AM] Michael:

[10:09 AM] Annie Benifield:

[10:10 AM] Michael:

[10:12 AM] Michael:

[10:13 AM] Michael:

[10:13 AM] Michael:

[10:13 AM] Michael:

[10:14 AM] Annie Benifield:

Hello, Professor Benifield.

How can I help you?

Michael Moates, a student in GOVT 2305-3020 having a problem. Can I please speak with someone?

That name sounds familiar. Did he contact the Service Desk recently?

Apparently so. I received a message from him stating that he was told it was an internal problem. I desperately need some clarity.

Okay. I found your chat yesterday with Alan. It looks like there are a couple tickets we had for him. I'm checking them now.

Latest message from student: Ma'am,

I wanted to follow up with you on the tech issue. D2L is still telling me it's an internal issue. Please advise on what you want me to do so my grade does not suffer.

I see 4 separate tickets for him. I'm looking at each.

From what I recall, we weren't able to duplicate any of the issues he reported, and he didn't respond to any of our attempts to reach him to do further troubleshooting.

Let me check to confirm that, though.

Periodically, I get a phone call and an e-mail and he says the same thing. No one else in the class is having a problem only him.

Ticket #INC0391115 was reported on 11/12 for an issue he experienced with making a discussion post. It was resolved on 11/13 with a note indicating one of our Technologists called him on the phone, had him install Firefox ESR, and that resolved the issue.

Ticket #INC0391552 was submitted on 11/14 for an issue he reported with videos in your course pausing and freezing on his PC. We called him, but he got disconnected in the middle of the phone call. He did not return repeated attempts to call or Email him.

Ticket #INC0391566 was submitted when he reported he did not get full credit on a quiz. The Service Desk closed it after they told him that he missed a question on the quiz.

The first 2 tickets were escalated by the Service Desk to us, and we closed them.

The fourth ticket was submitted for issues in a different class.

Did you resolve the issue or what? I heard from him by phone and e-mail on November 13 and November 14 about problems with chapter assignments. I asked him to try different browsers he stated he had already done



[10:15 AM] Michael:

that. On Friday he e-mail stated he is having the same problem as before. I hate to say this but it almost sounds as if he is building a case for a grade appeal or somethin.

For the 2 issues escalated to us (the discussion and video issues), we were never able to duplicate the issue either with our account or with his.

I am at wit's end. here is his latest message: Ma'am,

[10:17 AM] Annie Benifield:

I wanted to follow up with you on the tech issue. D2L is still telling me its an internal issue. Please advice on what you want me to do so my grade does not suffer. If you are unable to duplicate how can it be an internal issue?

[10:17 AM] Michael:

I'm not able to find any indication in any of those tickets that either we or the Service Desk indicated it was a problem with D2L.

[10:18 AM] Michael:

I can't speak for what was said on the phone, but none of the internal work notes indicate anything other than that we couldn't duplicate his issue.

[10:18 AM] Michael:

I would suggest asking him for a ticket # where he claims we told him it was an internal issue.

[10:19 AM] Michael:

We can take that ticket # and either give you what information is recorded there....

[10:19 AM] Michael:

or use it to try to contact him again.

[10:19 AM] Michael:

Or both.

[10:20 AM] Annie Benifield:

I am very confused. This is an 8wk class and every week he is contacting me saying he is encountering a problem. I will contact him and hope to get some information.

[10:21 AM] Annie Benifield:

Have a number of people worked n his issues and do we have information that might be warranted for use later?

[10:22 AM] Michael:

Two different people have worked on the issues he's reported in November, but everything is logged in our internal ticketing system....

[10:22 AM] Michael:

so if you need the information later, it is available for us to pull.

[10:23 AM] Annie Benifield:

So there has only been two inquiries and two tickets?

[10:24 AM] Annie Benifield:

How can I best resolve this matter?

[10:24 AM] Annie Benifield:

R u still there?

[10:25 AM] Michael:

Yes, I'm pulling up the ticket numbers for every ticket he's submitted this semester to make sure I've got everything he reported in your class.

[10:25 AM] Michael:

There are tickets for issues he reported in others, so I'm just making sure I have the right ones.

[10:26 AM] Annie Benifield:

ok

[10:28 AM] Michael:

I only see 2 tickets for issues he reported in your course: INC0391552 (11/14 -- videos freeze) and

INC0391566 (11/14 -- quiz score is not right; service desk informed him that he missed a question; he did not get them all correct).

[10:29 AM] Michael:

I would ask him for the specific ticket # where we told him it's an internal issue. If he claims it was on the phone with the Service Desk, we can ask the Service Desk manager to pull the recording of that phone call and determine what was said.

[10:30 AM] Michael:

If it's the ticket we worked on, I can check with our Technologist who worked on the issue. If he gives you a completely separate ticket # or can't provide one, then that would give you your answer.

[10:41 AM] Michael:

Does that answer your questions?

[10:44 AM] Annie Benifield:

Yes, it does. Thanks. I will see what the student say. Thank you so much.

[10:44 AM] Annie Benifield has left the room

*Annie Johnson Benifield Ph.D*

Professor of Political Science

Chair of Social Sciences

Arts, Business, Behavioral Science & Social Sciences

(281) 357-3761



**Dassey, Valentina**

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**From:** Wright, Quentin A  
**Sent:** Thursday, December 10, 2015 9:21 PM  
**To:** Benifield, Annie J  
**Subject:** Re: Michael Moates Tech issue

Thank you. I wanted to make sure I was correct in my response.

Thank you again for your thoroughness.

Sent from my iPhone

On Dec 10, 2015, at 9:16 PM, Benifield, Annie J <[Annie.J.Benifield@lonestar.edu](mailto:Annie.J.Benifield@lonestar.edu)> wrote:

Dr. Wright, I gave all students a number of extra credit opportunities (voting, attending on campus civic engagement activities, presidential candidate debate watch or an opportunity to tweet under the Civic Engagement hashtag, a contemporary political event topic within the class plus the GRIT survey. Michael did not participate in any of these extra credit opportunities.

Michael called my office on Tuesday, December 8, 2015 at 10:46 and asked about extra credit opportunities. I informed Michael since all work for this class had been required by December 7, 2015 at 11:55 PM, there was no additional opportunities to do extra credit.

I hope this information helps. Annie

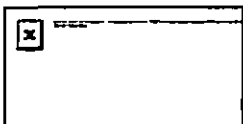
*Annie Johnson Benifield Ph.D*

Professor of Political Science

Chair of Social Sciences

Arts, Business, Behavioral Science & Social Sciences

(281) 357-3761



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**From:** Wright, Quentin A  
**Sent:** Thursday, December 10, 2015 9:03 PM  
**To:** Benifield, Annie J  
**Cc:** Riethmayer, Beverly J  
**Subject:** Re: Michael Moates Tech issue

I am formulating a response to Mr. Moates and I have one more question that will insure my response is accurate. Did Mr. Moates ever mention his concern regarding not having access to the extra credit assignments due to his geographic distance from Houston?

I do not see from any documentation that this issue was ever discussed. Therefore, my response is to deny the appeal based upon his first concern not meeting appeal criteria and his lack of attempt to address his second concern through the first level, informal process.

Sent from my iPhone

On Dec 10, 2015, at 8:11 PM, Benifield, Annie J <[Annie.J.Benifield@lonestar.edu](mailto:Annie.J.Benifield@lonestar.edu)> wrote:

Dr. Wright, I sincerely understand how important information gathering is in the academic grade appeal process; however, first and foremost I thought a grade had to be rendered before the academic appeal process commenced.

In an effort to insure the integrity of the process here is some additional information that is critical to a comprehensive understanding of what has transpired in the GOVT 2305-3020 Federal Government class (8W2-10/19-12/12).

GOVT 2305-3020 Federal Government is divided into four phases which includes a discussion, chapter assignments (simulations, videos, graphs and tables), quiz and exam with deadline dates as noted:

Phase One Deadline: October 31, 2015

Phase Two Deadline: November 14, 2015

Phase Three Deadline: November 28, 2015

Phase Four Deadline: December 7, 2015

I will also send additional information under a separate e-mail to further highlight the chain of events.

1) On November 13, 2015, Michael Moates called my office and left a voice message at 12:03 PM.

2) At approximately 4:45 PM On November 13, 2015, I returned Michael Moates call after getting out of all all day workshop (8:30-4:30) to ascertain the nature of the problem the student encountered.

a) asked Michael if he had called the DL Helpdesk:

b) asked Michael if he had tried using another computer to see if the same problem occurred.

c) Michael stated he had tried all of the above and stated he was not home at his computer and rushed off the phone with me.

3) On Saturday, November 14, 2015, I received an e-mail to which I responded. Below is the exchange between Michael and me.

4) By Monday, November 16, 2015, I included Jill on subsequent e-mail responses to the student because I felt this issue was escalating and I wanted to keep her in the loop.

5) I contacted VTAC along with the DL Helpdesk on a number of occasions by phone and by chat to ascertain the nature of the Michael's technical problems.

6) On a series of days I was informed that no one was able to replicate the problem, he stated he was encountering.

7) Michael ticket was eventually escalated to VTAC and Joseph Lambert became involved.

8) Joseph Lambert stated Michael did not follow up and/or respond to e-mail or phone calls to get this problem resolved so the ticket was closed after 5 days.

9) I followed up with the Michael stating he needed to follow up with VTAC to get this issue resolved as quickly as possible.

10) The e-mail chain below shows the communication between November 14-16, 2015

Annie Johnson Benifield

Sent from my iPad

Begin forwarded message:

**From:** "Benifield, Annie J" <[Annie.J.Benifield@lonestar.edu](mailto:Annie.J.Benifield@lonestar.edu)>

**Date:** November 16, 2015 at 5:44:25 PM PST

**To:** "Riethmayer, Beverly J" <[Jill.Riethmayer@lonestar.edu](mailto:Jill.Riethmayer@lonestar.edu)>

**Subject:** RE: Michael Moates Tech issue

Jill, I have not heard back from Michael Moates. No one else encountered the problem that Michael did. Tech was unable to replicate what he reported. I made a number of recommendations to no avail. Michael stated he had tried everything that was suggested. There is no way to verify. I hope that Michael follow up with the DL Helpdesk for a service check for his computer. His computer may actually have old software. That is the only other possibility.

*Annie Johnson Benifield, Ph.D.*

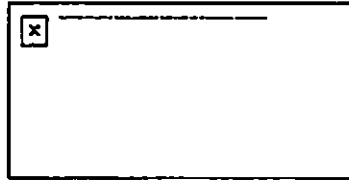
Chair, Social Sciences

Professor of Political Science

LSC-Tomball, S257D

281-357-3761

[annie.j.benifield@lonestar.edu](mailto:annie.j.benifield@lonestar.edu)



**From:** Riethmayer, Beverly J  
**Sent:** Monday, November 16, 2015 6:44 PM  
**To:** Benifield, Annie J  
**Subject:** RE: Michael Moates Tech issue

Hi Annie,

Did you find out if this student was able to resolve the issue?

Jill

Jill Riethmayer, Dean  
Arts, Business, Behavioral Sciences & Social Sciences

Lone Star College-Tomball  
281-351-3342

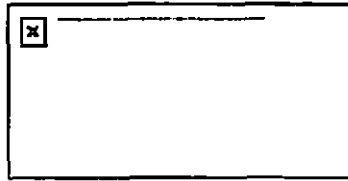
**From:** Benifield, Annie J  
**Sent:** Monday, November 16, 2015 9:52 AM  
**To:** 'Michael Moates'  
**Cc:** Riethmayer, Beverly J  
**Subject:** RE: Michael Moates Tech issue  
**Importance:** High

Michael, in an effort to resolve the issue (Videos and Simulations) you were having during Phase Two, I strongly recommend you call the DL Helpdesk so they can walk you through a system check on your computer. Since no other student encountered the problem you had, it seems endemic to your computer. From my conversation with VTAC it sounds like a browser issue. The use of an alternate browser may be feasible. Please consider using Chrome and/or Mozilla Firefox. I will review the average of scores for all assignments in Phase Two and take corrective action when warranted. Actually the questions were not specific to the simulation/video but rather to the chapter readings.

I suggest you follow up immediately with the DL Helpdesk to preclude future problems. Please let me know when you have spoken with the Helpdesk and performed the system check. Annie

*Annie Johnson Benifield, Ph.D.*  
Chair, Social Sciences  
Professor of Political Science

**LSC-Tomball, S257D**  
**281-357-3761**  
**[annie.j.benifield@lonestar.edu](mailto:annie.j.benifield@lonestar.edu)**



**From:** Michael Moates [<mailto:michaelsmoates@gmail.com>]  
**Sent:** Saturday, November 14, 2015 9:11 PM  
**To:** Benifield, Annie J  
**Subject:** Re: Michael Moates Tech issue

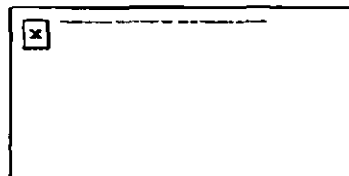
I have been trying to work through it using the book and listening to videos even as they skip. But I cant continue to allow my grade to suffer as a result. I contacted tech support a while back and this is the second ticket. My understanding is the Service desk is open 24/7.

On Sat, Nov 14, 2015 at 8:54 PM, Benifield, Annie J  
<[Annie.J.Benifield@lonestar.edu](mailto:Annie.J.Benifield@lonestar.edu)> wrote:

Michael, I am not sure exactly why you are unable to access the chapter assignments in GOVT 2305-3020 Federal Government class. Fortunately, no other student in this class is encountering the problem you are. Since you contacted me today after VTAC had closed, I will talk to them tomorrow. VTAC is opened 1-6 on Sundays. I am still trying to determine exactly why you only contacted me yesterday about lack of access to chapter assignments, especially since you stated this problem existed since the beginning of this class (10/19/15).

Annie

*Annie Johnson Benifield, Ph.D*  
**Chair, Social Sciences**  
**Professor of Political Science**  
**LSC-Tomball, S257D**  
**281-357-3761**  
**[annie.j.benifield@lonestar.edu](mailto:annie.j.benifield@lonestar.edu)**



**From:** Michael Moates [mailto:[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)]  
**Sent:** Saturday, November 14, 2015 6:54 PM

**To:** Benifield, Annie J  
**Subject:** Re: Michael Moates Tech issue

INC0391552. Also I know the material look at my quiz and exam grades and other assignments. Im doing good other wise. I am grateful for your help, thank you.

Michael

On Nov 14, 2015, at 6:52 PM, Benifield, Annie J  
<[Annie.J.Benifield@lonestar.edu](mailto:Annie.J.Benifield@lonestar.edu)> wrote:

What's the ticket number? Annie

*Annie Johnson Benifield, Ph.D*  
Chair, Social Sciences  
Professor of Political Science  
LSC-Tomball, S257D  
281-357-3761  
[annie.j.benifield@lonestar.edu](mailto:annie.j.benifield@lonestar.edu)

<image003.jpg>

**From:** Michael Moates  
[mailto:[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)]  
**Sent:** Saturday, November 14, 2015 5:42 PM  
**To:** Benifield, Annie J  
**Subject:** Re: Michael Moates Tech issue  
**Importance:** High

According to the tech support rep he did not even see the video. I have tried multiple computers and yes I have been having this problem since the start of class if you look at my grades you will see. They suffer in the video and simulation from the beginning. If you look today I got 3 100's but they were reading assignments or they had the statistics sheet which I can pull up. Its just those assignments that are not working.

Thanks,

Michael



On Nov 14, 2015, at 5:35 PM,  
Benifield, Annie J  
<[Annie.J.Benifield@lonestar.edu](mailto:Annie.J.Benifield@lonestar.edu)>  
wrote:

Michael, is it problem endemic to your computer? Have you tried another computer? Did you have similar problems during Phase One? Did Tech go in and try to access the assignments? No one else in this class is having a problem accessing the assignments so I am trying to figure out if your problem is simply unique to you. All of the chapter assignments do not entail videos or simulations so please complete whatever you can and we will go from there. Thanks for keeping me abreast of your problem.

*Annie Johnson Benifield, Ph.D*  
Chair, Social Sciences  
Professor of Political Science  
LSC-Tomball, 5257D  
**281-357-3761**  
**[annie.j.benifield@lonestar.edu](mailto:annie.j.benifield@lonestar.edu)**

<image008.jpg>

From: Michael Moates  
[<mailto:michaelsmoates@gmail.com>]  
Sent: Saturday, November 14, 2015  
5:27 PM  
To: Benifield, Annie J  
Subject: Fwd: Michael Moates Tech  
issue  
Importance: High

The issue is I have not gotten many bad grades as a result of having issues with the media and simulations. It does not work in Firefox or Chrome. They have escalated the ticket. They have no solution. But I can't answer the questions without the information and its causing me to have bad grades. I am doing the assignments and my quiz grades are good just the video's and simulations that are

on the Norton website are not working correctly. I can submit the info but I am not getting the lecture/video/simulations.

Respectfully,

Michael Moates

Begin forwarded message:

**From:** "Benifield, Annie J"  
<[Annie.J.Benifield@lonestar.edu](mailto:Annie.J.Benifield@lonestar.edu)>  
**Date:** November 14, 2015 at 5:24:08 PM CST  
**To:** 'Michael Moates'  
<[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)>  
**Subject:** RE: Michael Moates Tech issue

Michael, I recommend you copy and paste the video link into another browser (Mozilla or Internet Explorer) to see if the video works for you. Sometimes that will solve the problem. What did Tech Support say is the nature of problem you are encountering? I suggest you do all the other assignments. If you can copy the information into a word document and answer the questions, you can send that information via e-mail to me within D2L. Thanks. Annie

*Annie Johnson*  
*Benfield, Ph.D*  
Chair, Social Sciences  
Professor of Political  
Science  
LSC-Tomball, S257D  
281-357-3761  
annie.j.benifield@lon  
estar.edu

<image009.jpg>

**From:** Michael Moates  
**[mailto:michaelsmoates@gmail.com]**  
**Sent:** Saturday,  
November 14, 2015  
5:15 PM  
**To:** Benifield, Annie J  
**Cc:** Jacobs, Kelly O  
**Subject:** Michael  
Moates Tech issue

Hello,

I have attached some pictures I would like you to look at. As you can see the video and simulation assignments are not working for me very well. I have called tech support and even had my ticket escalated but as of now they have no suggestions for me. If you look at my grades for videos and simulations you will see they are bad. But if you look at other grades, quizzes and exams you will see they are good. I want to know what you suggest in order to

get my grade up to a  
fair grade as a result  
of this tech issue I  
feel like the low  
grades are not fair  
since I can not watch  
the videos correctly.  
Please advice. I have  
a 3.20 GPA and have  
never failed a class  
before and this is  
very frustrating to  
me.

Respectfully,

Michael Moates

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# **Exhibit K**

**Britt, Sarah D**

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**From:** Wright, Quentin A  
**Sent:** Wednesday, December 09, 2015 10:53 PM  
**To:** Michael Moates  
**Subject:** Re: Michael Moates

Mr. Moats

Per our academic appeals policy, I am currently gathering information to determine if a grade appeals committee is warranted. By Tuesday of next week, you will be contacted regarding the status of this appeal. Note that it is a possibility that I or the appeals committee (if established) may request more information and/or evidence to help complete the investigation.

Sincerely,  
Quentin Wright

Sent from my iPad

On Dec 9, 2015, at 9:19 PM, Michael Moates <[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)> wrote:

I wanted to follow up and see what the process was for this? Also the time frame?

Respectfully,

Michael Moates

On Tue, Dec 8, 2015 at 5:42 PM, Michael Moates <[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)> wrote:  
I have moved passed the dean level as I have discussed this with the dean before and addressed my concerns.

On Tue, Dec 8, 2015 at 4:29 PM, Wright, Quentin A <[Quentin.A.Wright@lonestar.edu](mailto:Quentin.A.Wright@lonestar.edu)> wrote:  
Thank you, Michael. As we move forward, will you confirm why you have moved past the dean's level for this appeal? I am just confirming that policy was followed.

Sent from my iPhone

> On Dec 8, 2015, at 11:16 AM, Michael Moates <[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)> wrote:

>

> Thank you for talking with me this morning. I wanted to put everything in writing really fast before you met with them. Like I said I was enrolled in more hours and I should enrolled in and that's not an excuse but like I said I still deserve the same chance as every other student. From the beginning I had a technical issue in this class and I immediately contacted technical support in order to get the problem was solved I was working with the the gentleman by the name of Joseph. As I continue to have problems I was running into an issue of submitting the assignments on time while still having the technical issue and I was told to go ahead and submit the assignments. However, at this point the problem has been fixed and if you look at my grade I have straight hundreds from the point of when in the technical issue is fixed. I requested the doctor but it'll give me either an alternate assignment, allow me to correct the

assignment, or drop the grade and none of these were an option. Then there were many other opportunities that were available to the students that we lived in the Houston area such as going to debate and campus events but for fully online students do not live in Houston that is not a very real opportunity for us and it makes it unfair. I just want the same chances every other student to be able to get the grades that I know I can get. I never struggled in government in fact I took AP government in high school and did very well. While I understand that that Dr. Benefiel gave me some partial points back I feel I have the right to take the assignment and the way that it was supposed to be taken and which I have the correct resources to do the assignment. I feel that that did not happen here and I did not get a fair opportunity to show what knowledge I can get from the simulations and video assignments.

>

> Respectfully,

>

> Michael Moates

**Britt, Sarah D**

---

**From:** Wright, Quentin A  
**Sent:** Thursday, December 10, 2015 10:07 PM  
**To:** Michael Moates  
**Subject:** Academic Appeal

Hello, Mr. Moates

It is my understanding that you called my office this afternoon, but unfortunately, I was at an off-campus meeting. However, I do want to discuss my investigation into your request for an appeal.

There are very specific reasons for which an appeal can be considered. Copying from our college catalog, these items are:

- error in calculation of grade
- deviation from the syllabus or district policy manual
- academic disparate treatment of student that is not addressed by EEO processes
- inappropriate penalties imposed for an academic honesty violation.

In addition, the catalog also notes that before an appeal can be submitted, the student should first meet with the instructor, and if not pleased with that outcome, then meet with the academic dean in an effort of getting the issue resolved.

I have reviewed several email correspondences including many between you and the instructor, dean, and OTS service representative. I also been in communication with the instructor and academic dean regarding questions that I had in determining if an appeal is warranted.

Based upon your verbal and written statements, you are submitting an appeal due to technical issues that you feel negatively affected your grade and a lack of equal access to extra credit assignments.

Based upon my review of this information, I do not believe your concerns meet any of the aforementioned criteria for an academic appeal. More specifically, I do believe that good faith efforts were made by the instructor and OTS service representative to get the technical issues resolved. I have reviewed two separate timelines of events that correspond with the time frame in which you first noted the technical issues. While it did take some time to get the issues resolved, I believe efforts were made by our faculty, dean, and OTS staff to have the issues addressed in a timely manner. In addition, the work in question were reviewed and the instructor did make adjustments on chapters 6 & 11 video assignments. These adjustments were based upon the instructor's review of how the technical issues impacted the the questions of the assignment.

In addition, I did not see in any of the correspondences where the extra credit discussion had previously occurred. Based upon our policy, that issue should have been addressed at the first level. Nonetheless, the instructor did provide me with information about extra credit within her class. There were numerous opportunities that a person outside of the Houston region could have participated in.

If you have any questions about our academic complaints and appeals policy, then follow the link below.



<http://www.lonestar.edu/academic-appeal.htm>

Sincerely,  
Quentin

# **Exhibit L**

**Britt, Sarah D**

---

**From:** Wright, Quentin A  
**Sent:** Thursday, December 17, 2015 2:11 PM  
**To:** Michael Moates  
**Cc:** Nutt, Lee Ann  
**Subject:** Re: Michael Moates

Michael,

I am awaiting a response about a centralized contact. If I do not hear something in the next couple of hours, I will refer you directly to the campus dean. As noted yesterday, I am trying to simplify this process for you.

Sent from my iPhone

On Dec 17, 2015, at 2:05 PM, Michael Moates <[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)> wrote:

Any news? Was expecting to hear from you this morning.

On Wed, Dec 16, 2015 at 1:01 PM, Michael Moates <[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)> wrote:  
This is the information that I received for the upcoming semester and it's only because I threw a fit because nobody has been communicating with me. But I put my Nisha request in on 18 October and continue to ask about it and never heard anything.

Sent from my iPhone

On Dec 16, 2015, at 12:47 PM, Wright, Quentin A <[Quentin.A.Wright@lonestar.edu](mailto:Quentin.A.Wright@lonestar.edu)> wrote:

Thank you for sending this information. It is dated 12/14/15. Did you just receive this information?

Quentin Wright, Ed.D.

Vice President of Instruction

Lone Star College-Tomball

30555 Tomball Parkway

Tomball, TX 77375

281.655.3641

[Quentin.A.Wright@lonestar.edu](mailto:Quentin.A.Wright@lonestar.edu)

<image001.gif>

From: Michael Moates [<mailto:michaelsmoates@gmail.com>]  
Sent: Wednesday, December 16, 2015 12:16 PM  
To: Wright, Quentin A; Nutt, Lee Ann  
Subject: Re: Michael Moates

Here is a copy from the Spring upcoming semester. Just because you told me your people don't have it. Like I said I am doing what I can. Please help.

On Wed, Dec 16, 2015 at 11:31 AM, Michael Moates  
<[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)> wrote:

What about deviating from the syllabus? Information regarding my ADA was set to both the instructor in the online advertising team and the reason for this is because I am taking classes at multiple lone Star College locations online. Also is this the last thing I can do in the process before I go to the state level?

Respectfully,

Michael

On Wed, Dec 16, 2015 at 10:21 AM, Wright, Quentin A  
<[Quentin.A.Wright@lonestar.edu](mailto:Quentin.A.Wright@lonestar.edu)> wrote:

Mr. Moates,

I understand your desire to have these issues investigated and addressed in a timely manner. During our initial conversation and the follow-up email that you sent, the concerns you noted were related to technical issues as you outlined in this email and concerns about access to extra credit assignments. Both issues, as outlined in my previous email, were reviewed and I determined that a grade appeal would not be warranted. Even with the information noted in this email, I still believe that the instructor and our technical support employee did act in a timely manner to address the technical concerns. Therefore, the decision regarding the appeal, as based upon the technical issues, still stands.

The issue with the 504 accommodations were not brought to my attention until Monday morning. The academic dean also noted that this issue was never addressed with her during the first level, informal process. I did speak to our ADA counselor and she has no record that an intake process occurred. This means that she never received any documentation regarding 504 accommodations, she never sent any paperwork for you to complete, and the specific accommodations that would have possibly been given in class were never determined. On Monday, I asked who you spoke to and who the paperwork was sent to. As I noted, I would need more information to review this part of your complaint. I never received any additional information from you regarding who the information was sent to. Therefore, my investigation into this issue ended at our campus disabilities counselor.

As for the additional concerns noted, I cannot convene an appeals committee in regards to your exam grades when there is no evidence that the ADA accommodations intake process happened at Lone Star College-Tomball or that any accommodations determined would have impacted your grade. Note that per college policy, the instructor would need to receive the proper paperwork before providing any accommodations.

While I am concerned that you did not have the experience you expected in this class, I do not believe that the convening of an appeals committee is not warranted. Therefore, I deny the request for an academic appeal for this Federal Government course.

Quentin Wright, Ed.D.

Vice President of Instruction

Lone Star College-Tomball

30555 Tomball Parkway

Tomball, TX 77375

281.655.3641

[Quentin.A.Wright@lonestar.edu](mailto:Quentin.A.Wright@lonestar.edu)

<image001.gif>

From: Michael Moates [mailto:[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)]

Sent: Tuesday, December 15, 2015 8:57 PM

To: Wright, Quentin A; Nutt, Lee Ann  
Cc: Shepherd, Jacquelyn C  
Subject: Michael Moates

Good Morning,

I've been nice and to try to be reasonable but at this point I feel like I am being discriminated against because I was not given the accommodations that I was supposed to have from section 504 of the rehabilitation act. Additionally, I have addressed my concerns about the grading in the technical issues that I had within my government class with you after speaking with the dean in the instructor. While I understand that the instructor says she went back through and give me credit for certain questions I do not think it is unreasonable to request that I was able to take the assignments without the technological issue. These were not quizzes they were assignment and I don't understand why they could not be emailed to me and I don't understand why they were in the quiz format when they were clearly marked assignments. Also, the instructor had us doing tests that were labeled as tests within the classroom and she did not grade them and said they were for no count. My concern is that as a student I feel like I should've gotten the same opportunities as every other student to get the grades that I deserve. If you look at my GPA you will see it is significantly high and I only got one bag grade this semester not including this class one "C" this class has brought my GPA down, also if I had the chance to get those assignments turned in and I would've even gotten a quarter of the point that it would have been difference between me getting an "A" and a "B". I understand that the catalog only give you certain grounds to address complaints however with that being said I did notify them of this section 504 that I had that needed to be put in place and it was not. Since speaking with you I have spoke with someone at Texas Higher Education Commission Board. They informed me that I have certain rights including to have my accommodations in place within a reasonable amount of time. I think that over a month and a half is not a reasonable amount of time to wait for those to be put into place. They also inform me that I have the right to make sure the syllabus is followed to the full extent in this particular course at the syllabus was not followed because there were extra things that were not in the syllabus counted towards our grade. They also told me have the right to file complaint with them and requesting investigation which is something that I am looking at if my concerns cannot be addressed at the college level. One of the questions that they have asked me is have I made every attempt to fix this at the college level. That's what this email is for me I want to make sure that I make every attempt before going to the board and requesting an investigation that I do everything here that I can which is why I have also copy the president on this email.

assignments. Both issues, as outlined in my previous email, were reviewed and I determined that a grade appeal would not be warranted. Even with the information noted in this email, I still believe that the instructor and our technical support employee did act in a timely manner to address the technical concerns. Therefore, the decision regarding the appeal, as based upon the technical issues, still stands.

The issue with the 504 accommodations were not brought to my attention until Monday morning. The academic dean also noted that this issue was never addressed with her during the first level, informal process. I did speak to our ADA counselor and she has no record that an intake process occurred. This means that she never received any documentation regarding 504 accommodations, she never sent any paperwork for you to complete, and the specific accommodations that would have possibly been given in class were never determined. On Monday, I asked who you spoke to and who the paperwork was sent to. As I noted, I would need more information to review this part of your complaint. I never received any additional information from you regarding who the information was sent to. Therefore, my investigation into this issue ended at our campus disabilities counselor.

As for the additional concerns noted, I cannot convene an appeals committee in regards to your exam grades when there is no evidence that the ADA accommodations intake process happened at Lone Star College-Tomball or that any accommodations determined would have impacted your grade. Note that per college policy, the instructor would need to receive the proper paperwork before providing any accommodations.

While I am concerned that you did not have the experience you expected in this class, I do not believe that the convening of an appeals committee is not warranted. Therefore, I deny the request for an academic appeal for this Federal Government course.

Quentin Wright, Ed.D.

Vice President of Instruction

Lone Star College-Tomball

30555 Tomball Parkway

Tomball, TX 77375

281.655.3641

Quentin.A.Wright@lonestar.edu

<image001.gif>

**From:** Michael Moates [mailto:[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)]  
**Sent:** Tuesday, December 15, 2015 8:57 PM  
**To:** Wright, Quentin A; Nutt, Lee Ann  
**Cc:** Shepherd, Jacquelyn C  
**Subject:** Michael Moates

Good Morning,

I've been nice and to try to be reasonable but at this point I feel like I am being discriminated against because I was not given the accommodations that I was supposed to have from section 504 of the rehabilitation act. Additionally, I have addressed my concerns about the grading in the technical issues that I had within my government class with you after speaking with the dean in the instructor. While I understand that the instructor says she went back through and give me credit for certain questions I do not think it is unreasonable to request that I was able to take the assignments without the technological issue. These were not quizzes they were assignment and I don't understand why they could not be emailed to me and I don't understand why they were in the quiz format when they were clearly marked assignments. Also, the instructor had us doing tests that were labeled as tests within the classroom and she did not grade them and said they were for no count. My concern is that as a student I feel like I should've gotten the same opportunities as every other student to get the grades that I deserve. If you look at my GPA you will see it is significantly high and I only got one bag grade this semester not including this class one "C" this class has brought my GPA down, also if I had the chance to get those assignments turned in and I would've even gotten a quarter of the point that it would have been difference between me getting an "A" and a "B". I understand that the catalog only give you certain grounds to address complaints however with that being said I did notify them of this section 504 that I had that needed to be put in place and it was not. Since speaking with you I have spoke with someone at Texas Higher Education Commission Board. They informed me that I have certain rights including to have my accommodations in place within a reasonable amount of time. I think that over a month and a half is not a reasonable amount of time to wait for those to be put into place. They also inform me that I have the right to make sure the syllabus is followed to the full extent in this particular course at the syllabus was not followed because there were extra things that were not in the syllabus counted towards our grade. They also told me have the right to file complaint with them and requesting investigation which is something that I am looking at if my concerns cannot be addressed at the college level. One of the questions that they have asked me is have I made every attempt to fix this at the college level. That's what this email is for me I want to make sure that I make every attempt before going to the board and requesting an investigation that I do everything here that I can which is why I have also copy the president on this email.



Technology problems happen every day and it's understandable that they happen. I don't think requesting the assignments through email for allowing me to go back in once a technical issue was fixed was unreasonable because every other student got the opportunity to do those correctly and I did not. I notified your D2 L team immediately when I noticed the problem and it took them three weeks to get it fixed which made of multiple assignments low grades. You can clearly see which part of my grades were the technological issue versus not. If you look at my grades you can see low grades and then straight hundred all the way down. I feel like I should've gotten my accommodation which finally got put into place a couple days ago when I requested it and I should not have had to throw a fit to get those put into place because they were my legal right. Had that been put into place I probably would've also done a little bit better on some of my exams because I would not have been rushing through trying to answer the questions. I would like to be communicated with what processes there are to file a great complaint and file a grievance against instructor/dean.

#### Grade Breakdown:

Quizzes: 133 / 145

Exams: 233.5 / 300

(This number would have been higher had I been giving the appropriate accommodations I constantly felt rushed during my exams.)

Discussions: 18.83 / 35

(One of the assignments on this discussion post was not in the syllabus and not one of the assignments that was scheduled for us to do so we didn't see it in the calendar.)

Assignments: 112.78 / 147

(this number would have also been significantly higher had I not been affected by the technological issue and the teacher allowed me to either do assignments through email or allowed me to redo the assignments when the technological issue had been fixed)

Total = 498.11 "B" For it to be an "A" it would have to be 537.

I mean no disrespect but I feel like I was short on the course that I was not given the same opportunities nor the fair opportunities that I deserve as a student. At this point I am leaving it in your hands and I would like to hear from somebody within the next 24 hours on what they plan to do to address my problems and also answer my questions that I have. We'll be filing a complaint with the Texas Higher Education Commission Board and also retaining an attorney for not receiving due process. I was not given due process because my claim was shut down before I even had a chance to present my case. I have all of the documentation that I feel I need in order to support my case.

Respectfully,

Michael Moates

817-880-4326

# **Exhibit M**

**Britt, Sarah D**

---

**From:** Benifield, Annie J  
**Sent:** Tuesday, December 29, 2015 3:16 PM  
**To:** Lovell, Darrell A  
**Cc:** Riethmayer, Beverly J; Wright, Quentin A; Nutt, Lee Ann  
**Subject:** Re: Michael Moates Accommodations

Darrell, thanks so very much for consistently working to resolve this student compliant issue. Really appreciate the way you have handled everything including making up an alternative essay exam on such short notice. Please continue to keep me posted on how I can further assist you in this matter. Annie

Sent from my iPad

On Dec 29, 2015, at 3:02 PM, Lovell, Darrell A <[Darrell.A.Lovell@lonestar.edu](mailto:Darrell.A.Lovell@lonestar.edu)> wrote:

Michael,

After speaking with my department chair, who is copied here, I have uploaded your essay exam. It is four questions worth 25 points each.

You will need the password Matthew248 to enter the exam. If you provide this password to any other student it will be considered cheating and I will apply a zero for the exam. Once entered you will have 90 minutes to complete the exam and one chance to do it. If there is an issue with D2L exit the exam immediately, do not proceed, notify me first and then call tech support. If you cannot see the exam notify me immediately.

The exam is available and must be completed by 3PM Wednesday 12/30. Failure to meet this deadline will result in me assigning the grade on the previous exam.

Once completed you will receive the higher of the two grades of this exam and the first one and the grade will be assigned.

Regarding your appeal, I have no effect on that process or your abilities/options for it. Therefore I will not provide anything for that.

Darrell Lovell  
Adjunct Instructor, Lone Star College  
Government  
[Darrell.A.Lovell@lonestar.edu](mailto:Darrell.A.Lovell@lonestar.edu)

---

From: Michael Moates <[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)>  
Sent: Tuesday, December 29, 2015 10:33 AM  
To: Lovell, Darrell A  
Cc: Benifield, Annie J  
Subject: Re: Michael Moates Accommodations

Sir,

After speaking with Dr. Nutt today, I have decided I would like to take the essay exam format you offered to me earlier this week. I will take the higher of the two grades as you offered. However, if I do worse on the essay exam I still would like to have it in writing that I have the right to appeal the grade due to the fact that the original accommodations were not put in place for the original exam and that by taking this option I am not waiving that right. I know that this was not intentional but I want to protect myself and my grade as much as possible. Per Dr. Nutt, I will be speaking with the VP of Student Services after the break.

Respectfully,

Michael Moates

On Tue, Dec 29, 2015 at 7:25 AM, Lovell, Darrell A <[Darrell.A.Lovell@lonestar.edu](mailto:Darrell.A.Lovell@lonestar.edu)> wrote:  
Ok. Be sure to complete the work moving forward this week.

Darrell Lovell  
Assistant Professor, Political Science  
Lone Star College University Park  
[Darrell.a.lovell@lonestar.edu](mailto:Darrell.a.lovell@lonestar.edu)  
Sent from my Sprint Samsung Galaxy S@ 5  
y>

----- Original message -----

From: Michael Moates <[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)>  
Date: 12/29/2015 1:21 AM (GMT-06:00)  
To: "Lovell, Darrell A" <[Darrell.A.Lovell@lonestar.edu](mailto:Darrell.A.Lovell@lonestar.edu)>, "Benifield, Annie J" <[Annie.J.Benifield@lonestar.edu](mailto:Annie.J.Benifield@lonestar.edu)>  
Subject: Re: Michael Moates Accommodations

Good Morning,

I have to tell you that this is not the first time this has happened. I would like to consult the disability services department as that is my legal right and will get back to you after that. At this point, you are changing what you told me I could do and now I want to cover my bases. I have in writing my accommodations which were not followed. This makes it a civil service matter. I have a call scheduled with President Nutt after the break for a previous issue of accommodations I will speak with her then regarding this issue. Averaging the grades would possibly make my

grade lower than it is now which is not right. Having to take a different exam is not what is supposed to be done. This happened because the correct settings were not input into D2L and I have that in writing from D2L support. I also spoke to the the gentlemen who you sent me the email and he said I cant redo that attempt but you could open and it up and allow me to finish with my answer saved.

At this point, I would like the grade to sit still until after I have had a chance to consult with disablitiy services, Dr. Nutt, and the Texas Higher Coordinating Board regarding this issue as my rights were clearly violated.

Respectfully,

Michael Moates

On Mon, Dec 28, 2015 at 1:37 PM, Lovell, Darrell A <[Darrell.A.Lovell@lonestar.edu](mailto:Darrell.A.Lovell@lonestar.edu)> wrote:  
Michael

I consulted my department chair Dr. Benifield today as well as our dean and here is what they have advised....

You have two options

1. I make you a different multiple choice exam and you take the higher of your two scores.
2. I average your 1st exam and final and apply that as your exam two grade.

Let me know which you choose by 5PM today. If you choose option 1 I will have to write the exam up and it will be ready for tomorrow and you will have to complete it by Tuesday evening at 9PM.

Darrell Lovell  
Assistant Professor, Political Science  
Lone Star College University Park  
[Darrell.a.lovell@lonestar.edu](mailto:Darrell.a.lovell@lonestar.edu)  
Sent from my Sprint Samsung Galaxy S@ 5  
y>

----- Original message -----

From: Michael Moates <[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)>  
Date: 12/27/2015 10:14 PM (GMT-06:00)  
To: "Lovell, Darrell A" <[Darrell.A.Lovell@lonestar.edu](mailto:Darrell.A.Lovell@lonestar.edu)>  
Subject: Re: Michael Moates Accommodations

How many essay questions would there be or would it be like a written essay?

Sent from my iPhone

On Dec 27, 2015, at 9:31 PM, Lovell, Darrell A <[Darrell.A.Lovell@lonestar.edu](mailto:Darrell.A.Lovell@lonestar.edu)> wrote:

That is contradictory to what I have been told on multiple occasions by tech support. I just spoke with Mark with tech support and he confirmed that an attempt cannot be re-opened, I could allow you another attempt but you would have to do it from scratch. I have asked him to send me an email that I will forward to you to confirm or he said to call them and ask for him by name.

As for me not liking what you write, I grade everything objectively. That is my job. If you answer the question correctly and fully you would get the credit you earn.

You believe you should be given the same exam. I believe it is unfair to others to give any student an exam they have already seen regardless of circumstance. I will provide you with an exam, even a multiple choice exam if you choose, that you will have 90 minutes to complete. The exam would be fair and on the same material.

If I allow you to take an exam you have already answered all the questions for and had multiple days to consider it would be disingenuous to the assesement and academic process.

Darrell Lovell  
Assistant Professor, Political Science  
Lone Star College University Park  
[Darrell.a.lovell@lonestar.edu](mailto:Darrell.a.lovell@lonestar.edu)  
Sent from my Sprint Samsung Galaxy S® 5  
y>

----- Original message -----

From: Michael Moates <[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)>  
Date: 12/27/2015 9:14 PM (GMT-06:00)  
To: "Lovell, Darrell A" <[Darrell.A.Lovell@lonestar.edu](mailto:Darrell.A.Lovell@lonestar.edu)>  
Subject: Re: Michael Moates Accommodations

Here is my response to your previous email:

I spoke to the service desk and they informed me what you were told is false. This possible to be opened back up by the teacher. Also, it would not get rid of my answers so I could have that extra thirty minutes. The exam can be opened back up I just got off the phone with them. "Once an exam is submitted in D2L you cannot restart it or reopen it according to LSC tech support."

What is a part of the ADA rules is the fact that I have to take the same test as everyone else but modified timing and I do have that in writing in the rules.

The reason I am so admit is because I don't want my GPA to be affected and an essay is an open ended question. You could not like what I submit and I could get a lower grade than the first exam.

Respectfully,

Michael Moates

On Sun, Dec 27, 2015 at 2:16 PM, Lovell, Darrell A  
<[Darrell.A.Lovell@lonestar.edu](mailto:Darrell.A.Lovell@lonestar.edu)> wrote:

That is fine. Here you go:

I entered your accommodations but the system, D2L, did not save them. That was the issue. I acknowledge that issue and you will be given the chance to take exam two with the accommodations.

However, according to the attempt logged in D2L you completed the exam and answered all 50 questions in 42 minutes. Once an exam is submitted in D2L you cannot restart it or reopen it according to LSC tech support.

The options we have is to take your grade or to allow you to re-take exam two. While I acknowledge that your accommodations were not met due to a mix up in D2L, I cannot allow you to take the same exam. You have seen the exam and it would be unfair to allow you to take an exam that you have already seen and had the opportunity to prepare for. While you have accommodations, that is not part of them in my understanding.

My policy on any make up/re-take, which this will be, is to substitute that with an essay exam. However, I will give you a new multiple choice exam, but it will not be the same questions. The exam will cover the same material and sections that we have gone over for exam two.

If you feel this is unfair you can speak with my department chair, Annie Benifield ([Annie.J.Benifield@lonestar.edu](mailto:Annie.J.Benifield@lonestar.edu)) or with the disability office on campus.

Darrell Lovell  
Adjunct Instructor, Lone Star College  
Government  
[Darrell.A.Lovell@lonestar.edu](mailto:Darrell.A.Lovell@lonestar.edu)

---

From: Michael Moates <[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)>  
Sent: Sunday, December 27, 2015 2:03 PM  
To: Lovell, Darrell A



**Subject: Re: Michael Moates Accommodations**

I want to keep everything in writing at this point. So I prefer if we could just email back-and-forth. I'm sorry for being so hard-core about this but my grade point average is really high and I feel like it's going to bring it down significantly.

Sent from my iPhone

On Dec 27, 2015, at 1:59 PM, Lovell, Darrell A  
<[Darrell.A.Lovell@lonestar.edu](mailto:Darrell.A.Lovell@lonestar.edu)> wrote:

My number is 832 724 7918

Darrell Lovell  
Assistant Professor, Political Science  
Lone Star College University Park  
[Darrell.a.lovell@lonestar.edu](mailto:Darrell.a.lovell@lonestar.edu)  
Sent from my Sprint Samsung Galaxy S® 5  
y>

----- Original message -----

From: Michael Moates <[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)>  
Date: 12/27/2015 1:55 PM (GMT-06:00)  
To: "Lovell, Darrell A" <[Darrell.A.Lovell@lonestar.edu](mailto:Darrell.A.Lovell@lonestar.edu)>  
Subject: Re: Michael Moates Accommodations

Sir,

With all due respect, that is not acceptable to me. As a student my rights were violated, I am supposed to be taking the same exam as everyone else. I only used 42 minutes because I wanted to go take a screen shot showing that I only received an hour. According to your own syllabus, technology issues are not acceptable excuses. I feel that the exam should be opened up with my current answers and I should be allowed to go in and finish. I mean no disrespect if that how you choose not to go I would like to contact the ADA office. I don't think having me do a different test where I could possibly get a lower score is fair nor having me redo an entire test because of technical error. I would like to contact the ADA office and I will get back with you.

Respectfully,

Michael Moates

On Sun, Dec 27, 2015 at 10:09 AM, Lovell, Darrell A  
<[Darrell.A.Lovell@lonestar.edu](mailto:Darrell.A.Lovell@lonestar.edu)> wrote:

Michael

So I am back.....it looks like the system did not save the changes. So that is what happened.

It only took you 42 of the 60 minutes to complete the exam.  
So you did not need the extra time.

If you redo the exam I cannot let you take the same exam because you have already seen it. If you take another exam it will be an essay exam. You will have the 90 minutes but I cannot let you take an exam you have already seen and furthermore completed in less than the time allotted.

If you want the make up I will set it up so you can take it tomorrow.

Darrell Lovell  
Assistant Professor, Political Science  
Lone Star College University Park  
[Darrell.a.lovell@lonestar.edu](mailto:Darrell.a.lovell@lonestar.edu)  
Sent from my Sprint Samsung Galaxy S• 5  
y>

----- Original message -----

From: Michael Moates <[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)>  
Date: 12/26/2015 10:39 PM (GMT-06:00)  
To: "Lovell, Darrell A" <[Darrell.A.Lovell@lonestar.edu](mailto:Darrell.A.Lovell@lonestar.edu)>  
Subject: Fwd: Michael Moates Accommodations

I understand its just I won't be available to take work on this tomorrow because I will be unavailable. I was just double checking. I mean no disrespect I just don't want to loose credit because I couldn't be available tomorrow.

Respectfully,

Michael Moates

Begin forwarded message:

**From:** "Lovell, Darrell A"  
<[Darrell.A.Lovell@lonestar.edu](mailto:Darrell.A.Lovell@lonestar.edu)>  
**Subject:** RE: Michael Moates Accommodations  
**Date:** December 26, 2015 at 10:36:44 PM CST  
**To:** Michael Moates  
<[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)>

Michael,

I told you I would look into it when I got back tomorrow. I will do that. Thank you.

Darrell Lovell  
Assistant Professor, Political Science  
Lone Star College University Park  
[Darrell.a.lovell@lonestar.edu](mailto:Darrell.a.lovell@lonestar.edu)  
Sent from my Sprint Samsung Galaxy S<sup>®</sup> 5  
y>

----- Original message -----

**From:** Michael Moates  
<[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)>  
**Date:** 12/26/2015 10:29 PM (GMT-06:00)  
**To:** "Lovell, Darrell A"  
<[Darrell.A.Lovell@lonestar.edu](mailto:Darrell.A.Lovell@lonestar.edu)>  
**Subject:** Re: Michael Moates Accommodations

Sir,

Spoke to D2L and they told me that Exam 2 had no special access permission settings that it was only set to an hour. Maybe it was only that one exam.

Respectfully,

Michael Moates

On Sat, Dec 26, 2015 at 12:16 PM, Lovell,  
Darrell A <[Darrell.A.Lovell@lonestar.edu](mailto:Darrell.A.Lovell@lonestar.edu)>  
wrote:  
Michael

It should have given you more time.....I am out of town and will be back tomorrow and will look into it then.

Darrell Lovell  
Assistant Professor, Political Science  
Lone Star College University Park  
[Darrell.a.lovell@lonestar.edu](mailto:Darrell.a.lovell@lonestar.edu)  
Sent from my Sprint Samsung Galaxy S® 5  
y>

----- Original message -----

From: Michael Moates  
<[michaelsmoates@gmail.com](mailto:michaelsmoates@gmail.com)>  
Date: 12/25/2015 11:30 PM (GMT-06:00)  
To: "Lovell, Darrell A"  
<[Darrell.A.Lovell@lonestar.edu](mailto:Darrell.A.Lovell@lonestar.edu)>  
Subject: Michael Moates Accommodations

Sir,

I did Exam 2 tonight but I did not have the extension on there and it would not allow me to stop as I only had one attempt. I did okay but felt I could have done better if I had longer. Please advice on what you want me to do.

Respectfully,

Michael Moates

# **Exhibit N**

**Britt, Sarah D**

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**Sent:** Thursday, January 07, 2016 5:12 PM  
**Subject:** RE:

Mr. Moates,

I received your message earlier today. Just to reiterate the information in my voicemail, I have spoken to the dean about this appeal and asked her to address this issue via our first level process.

However, per our earlier conversation, I am awaiting the grade that you receive on your essay exam. It was my understanding that you had not received your grade when we talked Monday. In addition, it was my understanding that your interest in the grade appeal is based upon the possibility that your essay grade was not consistent with your other two test grades. Is that correct? Or, are you seeking an additional option despite the essay grade that you receive? Please clarify so we can move forward appropriately. We do want to move quickly with this process.

Sincerely,

Quentin Wright, Ed.D.  
Vice President of Instruction  
Lone Star College-Tomball  
30555 Tomball Parkway  
Tomball, TX 77375  
281.655.3641  
[Quentin.A.Wright@lonestar.edu](mailto:Quentin.A.Wright@lonestar.edu)



**From:** Michael Moates [mailto:michaelsmoates@gmail.com]  
**Sent:** Monday, January 04, 2016 1:52 PM  
**To:** Wright, Quentin A  
**Subject:**

Dr. Wright,

I did not receive the correct accommodations for Exam 2 in my Texas Govt Class. I was then given a different format of the exam which creates a problem with my disability because it was in essay format. I have dysgraphia. Therefore, I am looking to either have the average of my first exam and final averaged or be given a multiple choice exam test. I have communicated with the teacher my concerns.

Respectfully,

Michael Moates

**Britt, Sarah D**

---

**From:** Wright, Quentin A  
**Sent:** Friday, January 08, 2016 7:10 PM  
**To:** 'Michael Moates'  
**Subject:** Academic Appeal

Mr. Moates

I have reviewed your academic appeal request for GOVT 2306-3012 course as stated below in your email. Note that I removed your identification of your disability.

*"I did not receive the correct accommodations for Exam 2 in my Texas Govt Class. I was then given a different format of the exam which creates a problem with my disability because it was in essay format. Therefore, I am looking to either have the average of my first exam and final averaged or be given a multiple choice exam test. I have communicated with the teacher my concerns."*

In investigating this incident, I reviewed your accommodations form that you submitted to me on 12-14-15 and a series of email exchanges between you and the instructor, communicated with Dr. Nutt and the academic dean, and requested and reviewed your grades in the course. The latter request was to gain an understanding of the your desired outcomes from this appeal.

Upon reviewing this information, I do not find an appeal to be warranted based upon several reasons.

- 1.) I acknowledge that you were not given extended testing time on the second exam. However, you were given an additional option that did meet the testing time requirement.
- 2.) You noted that the essay format creates a problem with your disability. While I am sympathetic to this concern, note that we are only to provide an accommodation as written on the form. Your form states "Please allow student 50% more time on all timed exams and quizzes in your class. This accommodation does not afford the student an extension on homework assignments." There is nothing in the form that prohibits the instructor from providing an essay exam.
- 3.) In all of your email communications, I could not find any point in which you communicated prior to taking the essay exam that you did not believe this format was in compliance with your accommodations. It is against our policy to retroactively put accommodations in place. If the essay was an issue, it should have been addressed prior to your decision to take this option.
- 4.) While I understand your desire to take the exam in the same format as the other students (i.e. multiple choice), you were given this option on December 28<sup>th</sup>. While I was aware, due to our phone conversation and through my communications with Dr. Nutt, that you were provided additional options for the second exam, I was unaware that the testing format you are now requesting is the same as what you chose not to take. In this case, I do not find your complaint about not being given the same testing format to be valid. It is clear that you were provided this opportunity.
- 5.) Lastly, as communicated with you by Dr. Nutt and Professor Love, we cannot reopen the same test you have previously taken. Doing so would be an academic integrity issue.

I do realize that upon accepting the option of the essay exam, you did maintain your right to file an academic grade appeal. I did honor this right by investigating this issue through the aforementioned actions. Upon my review of the information, I believe that reasonable accommodations were provided and offered to address the initial testing time issue with the second exam.

The Lone Star College Academic Complaint and Appeal Process can be found at the link below.  
<http://www.lonestar.edu/academic-appeal.htm>

Sincerely,  
Quentin Wright, Ed.D.  
Vice President of Instruction  
Lone Star College-Tomball  
30555 Tomball Parkway  
Tomball, TX 77375  
281.655.3641  
[Quentin.A.Wright@lonestar.edu](mailto:Quentin.A.Wright@lonestar.edu)





**Shepherd, Jacquelyn C**

---

**From:** Michael Moates <michaelsmoates@gmail.com>  
**Sent:** Friday, January 08, 2016 8:22 PM  
**To:** Wright, Quentin A; Nutt, Lee Ann  
**Cc:** Hansen, Iris D; Lue King, Kristin A; Alander, Link S  
**Subject:** Re: Academic Appeal  
**Attachments:** Screen Shot 2016-01-08 at 8.17.40 PM.png; Doc Dec 14, 2015, 11\_23.pdf

I have in writing where the university has documentation of my learning disability of dysgraphia.

<http://ldaamerica.org/types-of-learning-disabilities/dysgraphia/>  
[http://www.wrightslaw.com/info/read\\_dysgraphia\\_facts.htm](http://www.wrightslaw.com/info/read_dysgraphia_facts.htm)  
<http://www.ldinfo.com/dysgraphia.htm>

In which I have trouble with writing. Under my academic rights, I would like to request a hearing which it says I can on the link you attached. I have documentation that was sent to your disability services department and I have been directly penalized for my disability and I can prove it in more ways the one. For instance, notice this feedback from the instructor: Now as a part of my disability I have trouble putting sentences together at times. In his feedback, it shows that I was docked points for that. I understand that my thoughts may be hard to follow but it's my disability. The essay issue was addressed prior to taking it with both Dr. Nutt on the phone and Iris Hansen in disability services via phone voicemail over the break. I would like to know all evidence that was considered. The next thing would be to take it THECB. Documentation was clearly sent in advance before the class to Mary Sullivan. I have attached the email and the documents regarding my disability. It is black in white again where Lonestar did not put the accommodations in place correctly. I would like a hearing and if not I will need to go to THECB. It's not fair to me as a student when I sent over all of the correct documentation. I did my part. I did what was asked of me. It took Lonestar months to even look at them. That alone is against my rights.

Watch awkward sentences when you write. This is an example "In Texas, the only elected official that the Governor appoints is Secretary of State." Be clear

Make sure you explain things completely. Also, do not divide things up like you do in the first answer. Write it like an essay. The first answer is tough to follow.

Second answer, especially when you address representation and agenda setting, is tough to follow. The answer is not clear.

Third answer is not on point. Accountability versus independence is about whether judges should be elected or not. Also, due to elections the judicial system in Texas is not independent.



Respectfully,

Michael Moates

On Fri, Jan 8, 2016 at 7:09 PM, Wright, Quentin A <[Quentin.A.Wright@lonestar.edu](mailto:Quentin.A.Wright@lonestar.edu)> wrote:

Mr. Moates

I have reviewed your academic appeal request for GOVT 2306-3012 course as stated below in your email. Note that I removed your identification of your disability.

*"I did not receive the correct accommodations for Exam 2 in my Texas Govt Class. I was then given a different format of the exam which creates a problem with my disability because it was in essay format. Therefore, I am looking to either have the average of my first exam and final averaged or be given a multiple choice exam test. I have communicated with the teacher my concerns."*

In investigating this incident, I reviewed your accommodations form that you submitted to me on 12-14-15 and a series of email exchanges between you and the instructor, communicated with Dr. Nutt and the academic dean, and requested and reviewed your grades in the course. The latter request was to gain an understanding of the your desired outcomes from this appeal.

Upon reviewing this information, I do not find an appeal to be warranted based upon several reasons.

1.) I acknowledge that you were not given extended testing time on the second exam. However, you were given an additional option that did meet the testing time requirement.

2.) You noted that the essay format creates a problem with your disability. While I am sympathetic to this concern, note that we are only to provide an accommodation as written on the form. Your form states "Please allow student 50% more time on all timed exams and quizzes in your class. This accommodation does not afford the student an extension on homework assignments." There is nothing in the form that prohibits the instructor from providing an essay exam.

3.) In all of your email communications, I could not find any point in which you communicated prior to taking the essay exam that you did not believe this format was in compliance with your accommodations. It is against our policy to retroactively put accommodations in place. If the essay was an issue, it should have been addressed prior to your decision to take this option.

4.) While I understand your desire to take the exam in the same format as the other students (i.e. multiple choice), you were given this option on December 28<sup>th</sup>. While I was aware, due to our phone conversation and through my communications with Dr. Nutt, that you were provided additional options for the second exam, I was unaware that the testing format you are now requesting is the same as what you chose not to take. In this

case, I do not find your complaint about not being given the same testing format to be valid. It is clear that you were provided this opportunity.

5.) Lastly, as communicated with you by Dr. Nutt and Professor Love, we cannot reopen the same test you have previously taken. Doing so would be an academic integrity issue.

I do realize that upon accepting the option of the essay exam, you did maintain your right to file an academic grade appeal. I did honor this right by investigating this issue through the aforementioned actions. Upon my review of the information, I believe that reasonable accommodations were provided and offered to address the initial testing time issue with the second exam.

The Lone Star College Academic Complaint and Appeal Process can be found at the link below.

<http://www.lonestar.edu/academic-appeal.htm>

Sincerely,

Quentin Wright, Ed.D.

Vice President of Instruction

Lone Star College-Tomball

30555 Tomball Parkway

Tomball, TX 77375

281.655.3641

Quentin.A.Wright@lonestar.edu



**FedEx** Package  
Express US Airbill

FedEx Tracking Number 8024 4639 1103

**1 From Please print and press hard.**

Date 8/4/16 Sender's FedEx Account Number 1164-0680-4

Sender's Name Valentina Dassey Phone 832 813-6843

Company LONE STAR COLLEGE SYSTEM

Address 5000 RESEARCH FOREST DR Dept./Floor/Suite/Room

City SPRING State TX ZIP 77381-4356

**2 Your Internal Billing Reference**

First 24 characters will appear on invoice.

**3 To**

Recipient's Name Investigator Tamara Williams Phone

Company Dept. of Education Office for Civil Rights

Address Dallas District Office Dept./Floor/Suite/Room

Address 1999 Bryan St. Suite 11620 Use this line for the HOLD location address or for continuation of your shipping address.

City Dallas State TX ZIP 75201

0102017993


 Get transit times. Schedule pickups.  
Create labels. Go to [fedex.com](http://fedex.com).

**4 Express Package Service**

\*To most locations.

NOTE: Service order has changed. Please select carefully.

**Next Business Day**
☐ FedEx First Overnight  
Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

☒ FedEx Priority Overnight  
Next business morning.\* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

☐ FedEx Standard Overnight  
Next business afternoon.\* Saturday Delivery NOT available.

**2nd Business Day**
☐ FedEx 2Day A.M.  
Second business morning delivery to select locations. Saturday Delivery NOT available.

☐ FedEx 2Day  
Second business afternoon delivery to select locations. Saturday Delivery NOT available.

☐ FedEx Express S/S  
Third business day.\* Saturday Delivery NOT available.

**5 Packaging**

\*Declared value limit \$500.

☒ FedEx Envelope\*

☐ FedEx Pak\*

☐ FedEx Box

**6 Special Handling and Delivery Signature Options**
☐ SATURDAY Delivery

NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

☐ No Signature Required  
Package may be left without obtaining a signature for delivery.

☐ Direct Signature  
Someone at recipient's address may sign for delivery. Fee applies.

☐ Informed  
Add'l fee.

Does this shipment contain dangerous goods?

☒ No ☐ Yes  
As per attached Shipper's Declaration.

☐ Yes  
Shipper's Declaration not required.

☐ Dry Ice  
Dry Ice, 9, UN 1845

Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box.

☐ Cargo

**7 Payment Bill to:**

Enter FedEx Acct. No. or Credit Card No. below.

☒ Sender  
Acct. No. in Section 1 will be billed.

☐ Recipient

☐ Third Party

☐ Credit Card

 FedEx Acct. No.  
Credit Card No.

Total Packages

Total Weight

 Total Declared Value<sup>1</sup>

1 00 \$ 00

<sup>1</sup>Our liability is limited to US\$100 unless you declare a higher value. See back for details. By using this Airbill you agree to the service conditions on the back of this Airbill and in the current FedEx Service Guide, including terms that limit our liability.

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## UNITED STATES DISTRICT COURT

for the  
Southern District of TexasUnited States Courts  
Southern District of Texas  
FILED

SEP 08 2021

Lone Star College System

Plaintiff/Petitioner

v.

Michael Moates

Defendant/Respondent

)  
)  
)  
)  
)  
)

Civil Action No.

Nathan Ochsner, Clerk of Court

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS  
(Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: \_\_\_\_\_.

If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

Unemployed - Student

My gross pay or wages are: \$ \_\_\_\_\_ 0.00 , and my take-home pay or wages are: \$ \_\_\_\_\_ 0.00 per  
(specify pay period) \_\_\_\_\_ month .

3. *Other Income.* In the past 12 months, I have received income from the following sources (check all that apply):

- |  |   |  |
|--|---|--|
| (a) Business, profession, or other self-employment | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| (b) Rent payments, interest, or dividends          | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| (c) Pension, annuity, or life insurance payments   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| (d) Disability, or worker's compensation payments  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| (e) Gifts, or inheritances                         | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| (f) Any other sources                              | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

Federal Student Aid - None until after 2022, Former employer - None in the future

AO 240 (Rev. 07/10) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

4. Amount of money that I have in cash or in a checking or savings account: - \$ 385.00 .

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name *(describe the property and its approximate value)*:

2019 Kia Soul (Owned-Financed)

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses *(describe and provide the amount of the monthly expense)*:

Rent - \$630

Insurance - \$158

Phone - \$65

School - \$1,400

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

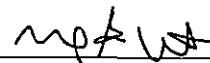
None

8. Any debts or financial obligations *(describe the amounts owed and to whom they are payable)*:

Car - \$9,821

*Declaration:* I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: 09/06/2021



*Applicant's signature*

Michael Moates

*Printed name*